

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

Petition of)
)
ADELPHIA BUSINESS SOLUTIONS,)
OF TENNESSEE, LP and AVR, L.P. d/b/a)
HYPERION OF TENNESSEE, L.P., INC.)
For Arbitration with BellSouth)
Telecommunications, Inc. Pursuant to)
Section 252(b) of the Communications)
Act of 1934, as amended by the)
Telecommunications Act of 1996)

Docket No. 00-00927

**ADELPHIA BUSINESS SOLUTIONS OF TENNESEE, L.P. AND
AVR L.P. d/b/a HYPERION OF TENNESSEE, L.P. INC.
FIRST SET OF INFORMATION AND DATA REQUESTS TO
BELL SOUTH TELECOMMUNICATIONS, INC.**

Adelphia Business Solutions of Tennessee, L.P. and AVR L.P. d/b/a Hyperion of Tennessee, L.P. Inc. (collectively "Adelphia") hereby requests that BellSouth Telecommunications, Inc. ("BellSouth") provide the data, information and documents described below. Please provide your responses to Henry Walker, Esq., Boulton, Cummings, Connors & Berry, PLC, 414 Union Street, Suite 1600, Nashville, TN 37219, hwalker@bccb.com, and Michael L. Shor, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007, mlshor@swidlaw.com, within fifteen (15) days or such other time as may be required in this matter.

DEFINITIONS

1. "BellSouth" refers to BellSouth Telecommunications, Inc., and its subsidiaries, operating companies, and affiliates, their present and former officers, employees, agents, directors and all other persons acting or purporting to act on behalf of BellSouth.

2. “Adelphia” means Adelphia Business Solutions Operations, Inc. and its subsidiaries and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Adelphia.

3. “CLEC” refers to any competitive local exchange carrier and includes, but is not limited to, Adelphia.

4. “Act” means the federal Communications Act of 1934, as amended by the Telecommunications Act of 1996.

5. The word “similar” is intended to be as comprehensive as possible.

6. “Document” means any written, printed, typed or visually reproduced material of any kind, whether or not privileged, and includes but is not limited to the original and all copies of any and all letters, reports, memoranda, files, communications, correspondence, agreements, bills, receipts, studies, analyses, telegrams, telexes, emails, minutes, bulletins, instructions, literature, memoranda of conversations, notes, notebooks, diaries, data sheets, financial statements, work sheets, recordings, tapes, drawings, graphs, indexes, charts, telephone records, photographs, phonographic records, computer files, other data compilation, or any other written, recorded, transcribed, punched, taped, filed or other graphic matter including any draft of the foregoing items and any copy or reproduction of any of the foregoing items upon which any notation, work, figure, or form is recorded or has been made which does not appear on the original or as to whose existence, either past or present, the responding party has any knowledge or information.

7. “FX” means Foreign Exchange Service as defined in your General Subscriber Service Tariffs.

8. “FX-Like Service” means any product or service under which a customer is assigned a telephone number with an “NXX” that is not associated with the rate center where the customer is physically located.

9. “LEC” means a local exchange carrier, including but not limited to CLECs and ILECs.

10. “You” and “your” refer to BellSouth.

11. “Commission” means the Tennessee Regulatory Authority.

12. “Identification” or “identify” when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communications, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

13. "Cost study" or "cost studies" means the detailed development of a rate element or rate elements through a methodology based upon engineering, operational, economic, accounting, or financial inputs, plus support for the sources of the inputs or support for the derivations of the inputs, that enables a person using the study or studies to start with the support for each input and to then trace the support to the input, and then to be able to trace the input through the methodology to the resulting cost and then to the resulting rate element. "Cost study" and "cost studies" does not refer to an embedded cost study.

14. “Persons” mean the plural as well as the singular and includes any natural person, any firm, corporation, association, partnership, or other organization or form of legal entity.

INSTRUCTIONS

A. These Discovery Requests (“DRs”) should be construed broadly to the full extent of their meaning in a good faith effort to comply with applicable law.

B. As used in these requests, the singular shall also be treated as plural and vice-versa.

C. The responses should include the name of the person(s) providing the responses and the witness(es) who will be testifying on behalf of BellSouth who will be prepared to answer questions relating to such responses. If, at the time that responses to these requests are due, it has not been determined whether a witness will be testifying on behalf of BellSouth who can answer questions relating to a particular response, then for each response provide the name of the BellSouth representative most knowledgeable regarding the subject area of and information in the response. If, prior to the evidentiary hearing in this matter, you identify the witness(es) who will testify on your behalf on a particular response to a question set forth herein, please supplement your response to identify the appropriate witness(es).

D. Unless otherwise expressly stated, these DRs are directed to BellSouth's operations in Tennessee.

E. If any part of a document responds to a request, the whole document is to be produced.

F. Any alteration of a responsive document, including any notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications and other versions of a final document is a separate and distinct document and must be produced.

G. If you are unable to produce a document in response to any request, so state, and indicate whether the document ever existed, or whether the document once existed but cannot be located. If any document once was, but is no longer in your possession, custody or control, state the whereabouts of any such document when last in your possession, custody or control, state the date and manner of its disposition and identify its last known custodian. To the extent any documents are lost or destroyed, produce any documents which support your assertion that the document was lost or destroyed, and provide the date thereof.

H. To the extent you claim any document described herein is privileged, or to the extent that you object to the production of any of the documents, please identify each and every document to which any claim of privilege or objection to production is asserted by stating in writing a general description of the document, its title, number of pages, date of preparation, person(s) who prepared the document, any person(s) who received or reviewed the document in original or other form, and the current custodian(s) of each such document, and state in writing the nature and basis for each claim of privilege or objection for each such document.

I. If you file a timely objection to any portion of a request, definition, or an instruction, provide a response to the remaining portion.

J. These DRs are continuing in nature and, thus, BellSouth is under a continuing duty to supplement, to correct or to revise promptly any response provided when the passage of time or change of circumstances would require a response to be supplemented, corrected or revised. If you are unwilling to supplement your responses, please so state.

K. If any document responsive to these DRs is considered to contain confidential or protected information, please furnish this information subject to an appropriate protective agreement.

L. These requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you.

M. If any request cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a DR, answer all parts of the DR to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

N. Responses to these DRs should cover the period beginning January 1, 1997 to the present, unless otherwise noted.

O. When cost studies are provided, please include: (a) both the monthly recurring and the non-recurring cost to provide the service or element in question; (b) all work papers used in the determination of the cost and any other "back-up" documentation that reflects how the costs were determined; (c) copies of all models used to develop the cost studies; in this regard, please provide a complete copy of each of the models in its entirety on DOS or Windows based 3 ½ inch disks or CD ROM in an executable format. Please indicate the hardware and software required to run the models. Please also include all user and training manuals and guides, descriptions of the models, and documentation algorithms, assumptions, etc.

DISCOVERY REQUESTS

1. Identify each person whom you expect to call as an expert witness in this proceeding, state the subject matter on which each expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion and identify all documents which the expert has reviewed or relied upon for the facts and opinions to which he will testify.

2. Please provide a technical description of how your FX service is provided to customers, including diagrams and descriptions of any ancillary features (e.g., collocation of customer equipment).

3. Please explain how you rate each of the following types of traffic originated or terminated to your FX customers, and provide all documentation supporting your answer:

- a. A call placed by a BellSouth end user to a BellSouth FX customer where the NXX code of the dialed number is within the calling party's

local calling area, but the FX customer is not physically located within that local calling area.

- b. A call placed by a BellSouth FX customer to a BellSouth end user where the dialed number is within the local calling area of the NXX code assigned to the FX customer, but the FX customer is not physically located in that local calling area.
- c. A call placed by a BellSouth end user to a BellSouth FX customer where the NXX code of the dialed number is within the same LATA as the calling party, but not within the same local calling area, and where the FX customer is physically located in the same local calling area as the calling party.
- d. A call placed by a BellSouth FX customer to a BellSouth end user where the dialed number is within the same LATA, but not within the same local calling area, as the NXX code assigned to the FX customer, and where the FX customer is physically located in the same local calling area as the called party.
- e. A call terminated by an interexchange carrier to a BellSouth FX customer.

4. Please explain how you bill each of the types of traffic identified in request 3 originated or terminated to your FX customers, and provide all documentation supporting your answer.

5. Please explain how you account for each of the types of traffic identified in request 3 originated or terminated to your FX customers, and provide all documentation supporting your answer.

6. Please identify the number of customers in Tennessee who subscribe to or purchase your FX service.

7. Have you ever billed or received reciprocal compensation for calls received from CLECs for termination to your FX customers? Please explain your answer.

8. Are there any circumstances in which BellSouth must pay access charges to the originating carrier for a call originated by another carrier and terminating to a BellSouth FX customer? If so, please describe all circumstances under which such an obligation may arise.

9. Please state whether you offer any FX-Like Service; e.g., do you currently offer any services or products to your customers, other than FX service, under which a customer can obtain a telephone number with an “NXX” associated with a local calling area that is different from the local calling area in which the customer has a physical presence.

10. If the answer to the preceding DR is yes, please state the name of each such FX-Like Service, identify the tariff where the product is described, and provide copies of all product descriptions and marketing materials associated with each service offering.

11. Please provide the current effective and canceled tariff pages for the FX-Like Services identified in your response to the preceding DR for the time period covered by these Discovery Requests.

12. With respect to each of the FX-Like Services identified in response to DR No. 9, please explain how you rate traffic originated or terminated to customers, and provide all documentation supporting your answer. Your answer should specifically address each of the

types of traffic identified in DR 3, with the name of the appropriate FX-Like Service substituted for “FX” in each of the traffic descriptions.

13. With respect to each of the FX-Like Services identified in response to DR No. 9, please explain how you bill traffic originated or terminated to customers, and provide all documentation supporting your answer. Your answer should specifically address each of the types of traffic identified in DR 3, with the name of the appropriate FX-Like Service substituted for “FX” in each of the traffic descriptions.

14. With respect to each of the FX-Like Services identified in response to DR No. 9, please explain how you account for traffic originated or terminated to customers, and provide all documentation supporting your answer. Your answer should specifically address each of the types of traffic identified in DR 3, with the name of the appropriate FX-Like Service substituted for “FX” in each of the traffic descriptions.

15. Please provide a technical description of how the FX-Like Services identified in response to DR No. 9 are provided to customers, including diagrams and descriptions of any ancillary features (e.g., collocation of customer equipment).

16. Please identify all rates that are or could be charged to customers purchasing each of the FX-Like Services identified in your response to DR No. 9.

17. Please identify the number of customers in Tennessee who subscribe to or purchase each of the FX-Like Services identified in response to DR. No. 9.

18. Have you ever billed or received reciprocal compensation for calls received from CLECs for termination to your customers who have purchased or subscribed to FX-Like Services? Please explain your answer.

19. If the response to the preceding DR is in the affirmative, please describe each occurrence, including: (a) the name of the carrier billed or paying the reciprocal compensation; (b) the amount of reciprocal compensation billed and/or paid; and (c) identify and include a copy of the interconnection agreement and/or arrangement under which such reciprocal compensation was billed and/or paid.

20. For any of the FX services identified in DR 3 or for any of the FX-Like services identified in DR 9, does BellSouth assign numbers to customers who are physically located in a different state than the rate center with which the assigned NXX is associated?

21. If the answer to the preceding DR is in the affirmative, has BellSouth ever billed or received reciprocal compensation to carriers originating calls to the customers described in the preceding DR?

22. For any of the FX services identified in DR 3 or for any of the FX-Like services identified in DR 9, does BellSouth assign numbers to customers who are physically located in a different local access transport area ("LATA") than the rate center with which the assigned NXX is associated?

23. If the answer to the preceding DR is in the affirmative, has BellSouth ever billed or received reciprocal compensation to carriers originating calls to the customers described in the preceding DR?

24. Do you contend that you incur higher costs to deliver a call to a CLEC's customer where the customer is physically located in a different rate center than the rate center associated with such NXX code?

25. If the answer to the preceding DR is in the affirmative, please produce any documents, including but not limited to cost studies, which support your contention.

26. Please state whether your costs of originating locally-dialed calls from your customers to Adelphia customers having line numbers assigned to the same NPA-NXX code vary depending on the physical location of those customers. If the response is yes, please: (i) identify with specificity the costs that vary and the extent to which they vary; (ii) identify with specificity the costs incurred to originate calls to those Adelphia customers physically located inside the local calling area of the calling party; (iii) identify with specificity the costs incurred to originate calls to those Adelphia customers physically located outside the local calling area of the calling party; and (iv) provide all documentation, including any cost studies, supporting the specific contention that the costs in originating locally-dialed calls vary depending upon where Adelphia's customer is located.

27. Do you contend that you must deliver a call placed by your end user to a CLEC customer assigned to a particular NXX to different locations or over different routes depending on whether the CLEC customer is physically located within or without the rate center associated with that NXX code? If your answer is yes, please explain the factual and legal basis for your contention.

28. If a BellSouth customer in rate center "A" were to place a call to an Adelphia customer physically located in rate center "A", but whose assigned NPA/NXX code corresponded to rate center "B", how would you rate that call? Please explain your response.

29. Has BellSouth developed a process by which it can separate or identify FX or FX-Like Service traffic from all other local traffic?

30. If the answer to the proceeding DR is in the affirmative, please provide a description of that process, and copies of all documents and workpapers related to the development of that process.

31. Would implementing a process to separate FX or FX-Like Service traffic from all other local traffic require BellSouth, Adelphia, and other LECs to implement a new billing system to rate such traffic for purposes of intercarrier compensation?

32. If the answer to the proceeding DR is in the affirmative, what does BellSouth project the cost of implementing such a billing system to be?

33. Please provide any cost studies, or documents which support your answer to the preceding DR.

34. Would a new billing system by which FX or FX-Like Service traffic is separated from all other local traffic require BellSouth, Adelphia, and other LECs to look at every call, every month, on a line-by-line basis to determine whether the call is being delivered to a customer not physically located in the same rate center as the originating customer? Please explain your answer.

35. Does BellSouth propose that, even if a single Adelphia customer were physically located outside the rate center associated with a particular assigned NPA/NXX code, Adelphia should be denied compensation for all calls placed to that particular code? Please explain your answer.

36. If the answer to the proceeding DR is in the affirmative, please explain the basis for this proposal and provide all support for such.

37. Does BellSouth contend that a CLEC should be permitted to charge BellSouth originating access when a CLEC's customers dials a local number to reach a BellSouth FX customer physically located in a different local exchange area? Please explain your answer.

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by wkm w/permission
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Dated: January 10, 2001

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 10th day of January, 2001.

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300

Henry Walker by ^{WAM} w/permission
Henry Walker